

Congress of the United States
Washington, DC 20515

March 30, 2018

The Honorable Jeff Sessions
United States Department of Justice
U.S Department of State
950 Pennsylvania Avenue, NW
Washington, D.C. 20530

The Honorable James N. Mattis
Secretary of Defense
U.S Department of Defense
1000 Defense Pentagon
Washington, D.C. 20301

The Honorable Daniel Coats
Director of National Intelligence
Washington, D.C. 20511

Dear Attorney General Sessions, Secretary Mattis and Director Coats:

On July 25, 2016, the Federal Communications Commission (FCC) gave final approval to the North American Numbering Council (NANC) that Telcordia Technologies serve as the next local number portability administrator (LNPA).¹ The LNPA is vital to the nation's critical communications infrastructure, public safety and virtually all significant criminal and national security investigations. Telcordia, a subsidiary of a foreign-owned company, will be responsible for routing millions of cellphone calls and text messages across the United States without an agreement on a rollback plan should the overhaul fail. The compressed timeline of this decision without a fallback plan and Telcordia's contentious history provide serious grounds for concern. That is why I am requesting an urgently needed Team Telecom review to assess the security risks of foreign ownership of the LNPA before the impending deadline on April 7, 2018.

Numerous stakeholders, including other lawmakers and the intelligence community, have heeded warnings regarding the transition to Telcordia without a workable contingency rollback plan. The North American Portability Management LLC's ("NAPM LLC") transition status report indicated that the lack of a contingency rollback plan remains a serious issue.² Former Secretary of Homeland Security Michael Chertoff stated that the transition plan to Telcordia has "serious" problems and was "insufficient in both scope and specificity when compared with widely accepted national and international standards."³

¹ "FCC Conditionally OKs Telcordia as Number Portability Administrator", Federal Communications Commission, https://apps.fcc.gov/edocs_public/attachmatch/FCC-16-92A1.pdf (July 13, 2016)

² Letter from Todd Daubert, Counsel for the NAPM LLC, to Ms. Marlene Dortch, Secretary, FCC, CC Docket 95-116 (February 28, 2018)

³ The Chertoff Group, "A Review of Security Requirements for Local Number Portability Administration" ("Chertoff Report") (September 29, 2014)

Additionally, in a letter to stakeholders, Chairman Pai called the failure of parties to the LNPA transition to reach an agreement on a contingency rollback plan “unacceptable.”⁴ Despite these concerns, the transition is set to begin as soon as April 7, 2018.

Just a year ago, a whistleblower revealed that Telcordia violated a federal requirement that only U.S. citizens could work on building the sensitive phone-number database for this project.⁵ Furthermore, the whistleblower was fired for revealing that Telcordia was using a chinese national to write the software code. In light of the national security breach, Telcordia was forced to rewrite the entire database computer code to mitigate concerns by intelligence officials. Following this incident, then Congressman Mike Pompeo sent a letter to the FCC in 2016 requesting that the agency thoroughly investigate the vendor’s practice of permitting foreign nationals to write code and ensure that all national security and law enforcement requirements are met during the transition.⁶ The mishandling of U.S. computer code by a foreign company that will soon have access to our nation’s most sensitive phone database should warrant skepticism.

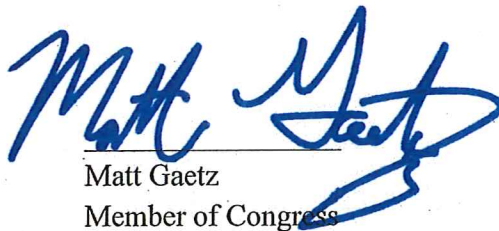
While the database overhaul could save taxpayer dollars in management costs, it must not come at the risk of our national security. According to FCC Order 15-35, the FCC did not consult with Executive Branch entities with responsibility for law enforcement and national security matters regarding the LNPA selection.⁷ For that reason, I urge Team Telecom to issue an investigative review that proper rollback procedures are established before the transition takes place to ensure our critical infrastructure remains secure. Representatives charged with our national security should have the opportunity to carefully review this decision and implement an agreement on a rollback plan before the transition on April 7, 2018.

Thank you for your urgent attention to this matter.

Sincerely,



Lee Zeldin
Member of Congress



Matt Gaetz
Member of Congress



John Ratcliffe
Member of Congress

CC: The Honorable Ajit Pai, Chairman of the Federal Communications Commission

⁴ Letter from Chairman Ajit V. Pai to LNPA Transition Parties, https://apps.fcc.gov/edocs_public/attachmatch/DOC-349014A1.pdf (February 2, 2018)

⁵ Nakashima, Ellen, “Security of Critical Phone Database Called into Question”, Washington Post, www.washingtonpost.com/world/national-security/security-of-critical-phone-database-called-into-question/2016/04/28/11c23b10-0c8d-11e6-a6b6-2e6de3695b0e_story.html?utm_term=.f7063c45fb77 (April 28, 2016).

⁶ Letter from the Honorable Mike Pompeo, U.S. House of Representatives, to Tom Wheeler, Chairman, FCC, https://apps.fcc.gov/edocs_public/attachmatch/DOC-340385A2.pdf (Received May 2, 2016)

⁷ Telcordia Technologies, Inc. Petition to Reform Amendment 57 and to Order a Competitive Bidding Process for Number Portability Administration, FCC Order 15-35, https://apps.fcc.gov/edocs_public/attachmatch/FCC-15-35A1.pdf (March 27, 2015)